

**Introduced by Senator Kuehl**

February 23, 2006

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An act to add Title 1.807 (commencing with Section 1798.79.8) to Part 4 of Division 3 of the Civil Code, relating to domestic violence.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1491, as introduced, Kuehl. Domestic violence: personal information.

Existing law regulates the collection and disclosure of personal information by government agencies and businesses related to, among others, social security numbers, business records, drivers license numbers, medical information, and credit reporting information.

This bill would prohibit any person or entity that awards grants to victim service providers, as defined, from requesting or requiring, as a condition of an award, the personally identifying information of a domestic violence victim, as specified, or the use of specified computer programs or systems that require the disclosure of that personally identifying information. The bill would also make available to any victim service provider aggrieved by a violation of those provisions, injunctive relief and court costs and attorney's fees.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Title 1.807 (commencing with Section  
2 1798.79.8) is added to Part 4 of Division 3 of the Civil Code, to  
3 read:

1 TITLE 1.807. DOMESTIC VIOLENCE: PERSONAL  
2 INFORMATION  
3

4 1798.79.8. For purposes of this title:

5 (a) “Person or entity” means any individual, corporation,  
6 partnership, joint venture, or any business entity, or any state or  
7 local agency.

8 (b) “Personally identifying information” means:

9 (1) First and last name or last name only.

10 (2) Home or other physical address, including, but not limited  
11 to, a street name or zip code, other than an address obtained  
12 pursuant to the California Safe At Home program or a business  
13 mailing address provided by the victim service provider.

14 (3) Electronic mail address or other online contact  
15 information, such as an instant messaging user identifier or a  
16 screen name that reveals an individual’s electronic mail address.

17 (4) Telephone number, other than a business telephone  
18 number provided by the victim service provider.

19 (5) Social security number.

20 (6) Date of birth.

21 (7) Internet Protocol address or host name that identifies an  
22 individual.

23 (8) Any other information, including, but not limited to,  
24 children’s and relatives first and last names, grade point average,  
25 racial or ethnic background, academic or occupational interests,  
26 or religious affiliation that, in combination with any of the above  
27 would serve to identify any individual, although that information  
28 may be requested or required if it is not combined with any of the  
29 above or in any manner in which provision of the information  
30 would serve to identify a specific individual.

31 (c) “Victim service provider” means a nongovernmental  
32 organization or entity, for profit or not for profit, that assists  
33 domestic violence, dating violence, sexual assault, and stalking  
34 victims, including rape crisis centers, domestic violence shelters,  
35 domestic violence counseling, and other service centers and other  
36 organizations with a documented history of effective work  
37 concerning domestic violence, sexual assault, or stalking.

38 1798.79.9. (a) In the course of awarding grants, including,  
39 but not limited to, requests for proposals, contracts, or billing  
40 procedures, implementing programs, or providing financial

1 support or assistance of any kind to any victim service provider,  
2 it is unlawful for any person or entity to request or require that  
3 victim service provider to provide personally identifying  
4 information regarding any of the persons to whom it is providing  
5 services, it has provided services, or it has considered or is  
6 considering providing services.

7 (b) In the course of awarding grants, including, but not limited  
8 to, requests for proposals, contracts, or billing procedures,  
9 implementing programs, or providing financial support or  
10 assistance of any kind to any victim service provider, it is  
11 unlawful for any person or entity to request or require that victim  
12 service provider to use any computer software, computer  
13 program, computer protocol, or other computer system that  
14 requires the disclosure of personally identifying information  
15 regarding any of the persons to whom it is providing services, it  
16 has provided services, or it has considered or is considering  
17 providing services.

18 (c) Nothing in this section is intended to prevent the collection  
19 of information for statistical purposes that are necessary for the  
20 proper administration of the grant, program, or financial  
21 assistance, provided that collection does not require the  
22 disclosure of information that would serve to identify any  
23 specific individual.

24 1798.79.95. Injunctive relief shall be available to any victim  
25 service provider aggrieved by a violation or a threatened  
26 violation of this title. The prevailing plaintiff in any action  
27 commenced under this section shall be entitled to recover court  
28 costs and reasonable attorney's fees.